THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 15249 of 2006

Date:16-03-2007

Between:

M.Sivaiah and another **.. PETITIONERS**

AND

The Superintendent of Police, Khammam and two others

..

RESPONDENTS

ORDER:

The petitioners seek a writ of mandamus to declare the action of the 1st respondent in interfering with the civil disputes inter se the petitioners and the second respondent as illegal and arbitrary and to direct the first respondent not to interfere with the civil liberties of petitioners and not to insist them to come to the police station.

2. The case of the petitioners is that they have been granted patta certificates in respect of Sy.Nos. 21-2 and 21-8 of Talupur village measuring Ac.4.14 gts. and Ac.4.14 ½ gts. respectively.
It is further stated that when the second respondent tried to interfere with the possession and enjoyment, the petitioners made a representation before the District Collector, Anantapur and on their representation, the District Collector, Anantapur addressed a letter Dis.No.23/04/Inams/F2, dated 19.07.2004 to the Mandal Revenue Officer, Anantapur to provide necessary police protection to the petitioners and ensure the legal possession of the land in favour of the petitioners as per the ryotwari patta already granted, with the help of the police.

3. Counter has been filed stating that the petitioners got issued a legal notice to the second respondent, which has been entered in the General Diary on 20.07.2006. The petitioners and the second respondent were summoned on 21.07.2006, but none of them tuned up to the police station. Subsequently the second respondent alone came with certain documents and as the Inspector of Police, Anantapur Rural circle was busy in connection with withdrawal of nominations of Panchayat Raj elections at Garladinne village, the papers could not be perused and therefore, the first respondent after perusing the said records, informed the second respondent that the said dispute between the petitioners and the second respondent is civil in nature and advised them to approach the competent civil Court for redressal of their grievance. Thus, it is stated that the first

respondent never interfered with the civil dispute.

4. The first respondent in his counter has not denied the letter addressed by the Collector to the Mandal Revenue Officer for providing necessary police protection to the petitioners.

Therefore, I am of the opinion that the first respondent could not have entertained any doubt with regard to official correspondence between the Collector and the Mandal Revenue Officer by the aforesaid letter, dated 19.07.2004. Hence, the first respondent is directed to render necessary police protection as and when required by the petitioners.

The writ petition is accordingly disposed of. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:16.03.2007
CCM/DSK